

# **New Mexico Judicial Branch Provisional Release of Electronic Court Records Policy**

August 20, 2004

**The New Mexico Judiciary strongly supports the concept of open government and public access to official records. At the same time the judiciary recognizes its obligations to protect the privacy interests of those who deal with the judiciary.**

The purpose of this policy is to provide guidance to staff who must respond to requests for court records in either electronic or paper form. Because of the fast-changing nature of technologies associated with the storage, capture, retrieval and distribution of court records this policy must be frequently modified to adapt to a changing technical environment. All requests that do not clearly fall within the guidelines outlined in this policy must be referred to the Administrative Authority for the Administrative Office of the Courts (AOC). The JIFFY Public Access Committee and the AOC General Counsel will assist the Administrative Authority in making determinations regarding such requests.

- I. Requests from for-profit data consolidators and re-sellers:** No bulk records will be sold to organizations that gather data from public sources and then subsequently resell such data since once bulk data is provided to bulk resellers it cannot be quality controlled, expunged, sealed or amended.
- II. Requests from public organizations, private organizations or individuals:** Such written requests shall receive a written response within 3 working days.

The following types of requests shall be denied:

- Requests for confidential, privileged and proprietary data or any other data that is prevented by statute or court order from being released
- Requests that will be burdensome or hamper the operations of the court
- Requests for information that is not collected or retained, or is collected in a statistically invalid manner
- Requests for information in a format that is not maintained
- Requests for electronic information where the official record is not electronic and the electronic record is not accurate representation of the official record
- Requests related to security information protected by NMSA 1978, Section 14-2-1(A)(8) (2003)

All denied written requests shall be forwarded to the Administrative Authority for the AOC for possible further consideration. Under certain circumstances the Administrative Authority may determine that release of requested information, in part or in total, is appropriate under the Inspection of Public Records Act but that further publication of such information should be restricted for the public welfare.

JID staff shall work with requestors of electronic information to clearly define data requests to minimize impact on judicial operations. For example, assistance might be provided in defining query parameters such as case type, event type, charge category, date constraints and specific data fields needed. Also, assistance can be provided in defining queries to exclude confidential and proprietary data.

Data can be provided on media such as streaming tape, CD, DVD, magnetic diskette, or even on paper, as long as there is a reasonable capability to deliver data on the requested media. Requestors will be charged for all actual costs of generating queries, including but not limited to costs for materials and staff time. A written estimate shall be provided to the requestor before queries are executed.

- II. Requests for direct links to court databases:** Direct links have the potential to disrupt operational electronic records processing and thus hamper delivery of court services. In addition, it is difficult to provide adequate quality control for unlimited, uncontrolled *ad hoc* queries. Finally, such links also present significant security challenges, even when secure access methods are used. Therefore, absent exceptional circumstances and JIFFY approval, requests for direct links to court databases shall be denied.